

UNITED STATES OF AMERICA  
POSTAL REGULATORY COMMISSION  
WASHINGTON, DC 20268-0001

Before Commissioners:

Ruth Y. Goldway, Chairman;  
Mark Acton, Vice Chairman;  
Nanci E. Langley; and  
Robert G. Taub

Venice Post Office  
Venice, California

Docket No. A2012-17

ORDER ADJUSTING PROCEDURAL SCHEDULE

(Issued November 16, 2011)

On October 17, 2011, Mark Ryavec and Venice Stakeholders Association (Petitioners) petitioned the Commission for review of the Postal Service's decision to close the Venice main post office.<sup>1</sup> In Order No. 918, the Commission gave notice of the appeal and established a procedural schedule which, among other things, directed the Postal Service to file any responsive pleading by November 1, 2011.<sup>2</sup> On October 27, 2011, the Postal Service moved to dismiss the appeal, contending its actions were not subject to 39 U.S.C. § 404(d).<sup>3</sup>

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<sup>1</sup> Petition for Review and Application for Suspension of Determination received from Mark Ryavec and Venice Stakeholders Association, October 17, 2011 (Petition). Subsequently, additional Petitions were filed by Bill Rosendahl, City of Los Angeles Councilmember, 11<sup>th</sup> District and several concerned citizens of Venice, California.

<sup>2</sup> Notice and Order Accepting Appeal and Establishing Procedural Schedule, October 20, 2011 (Order No. 918).

<sup>3</sup> Motion of United States Postal Service to Dismiss Proceedings, October 27, 2011 (Motion).

In its Motion, the Postal Service argues that its actions entail a relocation (by approximately 400 feet) of retail services within the Venice community, not a discontinuance of the Venice main post office. Thus, it asserts that its decision is not subject to 39 U.S.C. § 404(d). *Id.* at 3. In support, it cites several Commission decisions on appeal which it contends are applicable here. *Id.* at 4-6.

On November 14, 2011, a number of documents were filed on behalf of the Petitioners, including a Motion to Compel Filing of the Administrative Record and Request for Leave to Answer the U.S. Postal Service's Motion to Dismiss in Petitioners' Initial Brief (Motion to Compel), and a Motion Requesting an Extension of Time to File Petitioners' Initial Brief (Motion for Extension). Petitioners' motions, taken together, request that the due date for their initial brief be extended until December 5, 2011, and that they be allowed to delay responding to the Postal Service Motion to Dismiss until December 5, 2011, the date for their initial brief. Petitioners indicate that they have obtained pro bono counsel and request the extension to allow preparation of a single pleading that addresses both the issue raised by the Postal Service in its Motion to Dismiss and the merits of the appeal.

The Commission will adjust the procedural schedule as requested by Petitioners in order to facilitate an efficient discussion of relevant issues while minimizing procedural delay. A single set of briefs addressing all relevant issues should eliminate unnecessary pleadings and provide a complete basis for Commission action.

Petitioners' Motion to Compel also requests that the Postal Service be directed to file the Administrative Record in this matter as soon as possible, but no later than one week before its proposed December 5, 2011 deadline for the initial brief. Motion to Compel at 3. The Postal Service has not yet filed the Administrative Record in this docket, presumably because it viewed its October 27, 2011 Motion to Dismiss as tolling subsequent procedural dates. By this order, the Commission has essentially taken the Postal Service Motion to Dismiss under advisement, pending receipt of responsive pleadings now due December 5, 2011.

Commission rules allow the Postal Service 15 days to file the Administrative Record. The Postal Service Motion to Dismiss was not filed until 9 days of the 15-day period had elapsed. Under the circumstances, the relief requested by Petitioners, that the Administrative Record be submitted by November 28, 2011, is not unreasonable.

*It is ordered:*

1. The Postal Service Motion to Dismiss, filed October 27, 2011, is taken under advisement.
2. Petitioners' Motion to Compel Filing of the Administrative Record and Request for Leave to Answer the U.S. Postal Service's Motion to Dismiss in Petitioners' Initial Brief, filed November 14, 2011, is granted.
3. Petitioners' Motion Requesting an Extension of Time to File Petitioners' Initial Brief, filed November 14, 2011, is granted.
4. The Motion Requesting the Commission to Accept Documents Filed Under a Temporary Filing Online Account, filed November 14, 2011, is granted.
5. The procedural schedule is modified as shown in the Attachment to this Order.

By the Commission.

Shoshana M. Grove  
Secretary

Chairman Goldway not participating.

PROCEDURAL SCHEDULE  
(Revised November 16, 2011)

October 17, 2011	Filing of Appeal
October 27, 2011	Deadline for the Postal Service to file answer responding to application for suspension
November 1, 2011	Deadline for the Postal Service to file the applicable administrative record in this appeal
November 1, 2011	Deadline for the Postal Service to file any responsive pleading
November 14, 2011	Deadline for notices to intervene (see 39 CFR 3001.111(b))
December 5, 2011	Deadline for Petitioners' Form 61 or initial brief in support of the petition (see 39 CFR 3001.115(a) and (b))
December 27, 2011	Deadline for answering brief in support of the Postal Service (see 39 CFR 3001.115(c))
January 10, 2012	Deadline for reply briefs in response to answering briefs (see 39 CFR 3001.115(d))
January 17, 2012	Deadline for motions by any party requesting oral argument; the Commission will schedule oral argument only when it is a necessary addition to the written filings (see 39 CFR 3001.116)
February 14, 2012	Expiration of the Commission's 120-day decisional schedule (see 39 U.S.C. 404(d)(5))